

Name Marcus A. Madden
5201 Walnut Ave unit 91
Las Vegas NV 89110
 Prison Number

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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Marcus A. Madden
~~_____~~

Plaintiff,

vs.

(SSA) Social Security Administration

Defendant(s).

2:18-cv-00122-GMN-NJK

**CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983**

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, Marcus A. Madden,
 (Print Plaintiff's name)

who presently resides at 5201 Walnut Ave unit 91 Las Vegas 89110, were

violated by the actions of the below named individuals which were directed against

Plaintiff at (SSA) Social Security Administration on the following dates
 (institution/city where violation occurred)

Section 1886 of Workforce Investment Act of 1998 (WIA), Title IX of ADA, and The Age Discrimination Act of 1975 29 USC § 6101
 (Count I) (Count II) (Count III)

**Make a copy of this page to provide the below
information if you are naming more than five (5) defendants**

2) Defendant _____ resides at _____,
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

3) Defendant _____ resides at _____,
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

4) Defendant _____ resides at _____,
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

5) Defendant _____ resides at _____,
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

6) Defendant _____ resides at _____,
 (full name of first defendant) (address if first defendant)
 and is employed as _____. This defendant is sued in his/her
 (defendant's position and title, if any)
 _____ individual _____ official capacity. (Check one or both). Explain how this defendant was
 acting
 under color of law: _____

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Plaintiff ~~was~~ diagnosed with Type 2 Diabetes Nov 1, 2012. Applied for Social Security benefits in 2012 because of diabetic nerve pain in hand, after hand swelled up like a ball. Had neurology test done ~~as~~ as well as several blood test to discover on going pain in leg ^{left} right hand due to surgery levels and condition. Plaintiff was denied Social Security in 2012, (disability) and was told that he did not have enough working credits at the time to qualify. (This is "not" true I have seen cases where applicants with Lupus another ongoing condition that cause severe pain at times be awarded benefits with very little or "no work history") Mr. Madden was "forced" to go back to the workforce and work in extreme conditions with a "unworkable" hand. Mr Madden endured this pain in hand in leg standing on job for longer than hour which is against disability conditions, sitting for longer than an hour, or standing for longer than hour. Applied for benefits again ^{Plaintiff} on October. Social Security Admin requested an interview and other information and it was provided. Refuse to provide Plaintiff with correct on-set date and when asked where the medical records would go a security guard approached me to kick me out of facility even after I the correct date provided the information. ^{on-83} Backpay Back to 2012 and awarded benefits, \$1735 x 60 months \$44,100.00 be awarded to Plaintiff. By Law Plaintiff could have been awarded benefits since 2014 because his income was within the guidelines of SSI benefits and was not over the amount of \$1,170.00 the guidelines of SSI Social Security (welfare) and SSDI Disability. ^{get} ~~back to original on-set date which 2012 when~~ ^{was} ~~disb~~

when I go to the local office on Simmons St., and ask a basic question about the onset date which was requested by the Case Worker Karen in Carson City assigned to my case. The employees became very combative and told me that Carson City determines my onset date. But when I spoke with Ms Karen in Carson City, she said that the local office determines that information and she needed me to retrieve that for her. It seems the "Competence" Level is very low at the Simmons location, as well as lack of regard and customer service. Mr. Madden should not have to deal with such rudity and backx forthness in such a sensitive matter that needs to be resolved immediately and properly. The Plaintiff should be awarded back pay for approx. 60 months set back to the on-set date of 2012 when Mr. Madden was originally found disabled. Social Security Admin also refuse to use medical records from Grady Medical ~~center~~ hospital, which is the hospital that diagnosed ~~that~~ ^{that could} not diagnosis ~~the~~ Plaintiff after going to Doctors in 3 other states ~~not~~ ^{not} diagnosis or explanation for what was ~~occurring~~ ^{have a} occurring with Plaintiff's hand swelling extremely. Even though Mr. Madden continued to work, that has now caused condition to occur more in the left leg now and the right hand has to be mounted carefully, and cannot by any means endure any extreme work conditions. Also medications like 800 mg Ibuprofen and 500mg metformin have to be taken for pain and sugar regulation of pre-existing condition. The color of the Law states that there is no actual time limit placed by the SSA in regards to back pay. Any backpay you receive will be determined and should be determined by your "original" disability filing date. Even if an applicant was forced to work after filing date, if it can be proven you could not efficiently work consistently, an applicant can still be eligible to receive an additional 17 months back pay prior to the application being filed and ~~not~~ Plaintiff's work history is a track record showing ~~inconsistency~~ in time on each job due to medical condition. Even if they argue (SSA) that Plaintiff worked after the date of his initial filing date in 2012, there is still supporting evidence to show that from the date of 2nd Application October 2017 and 17 months before, Plaintiff was unable to keep a position with a company due to work conditions as well as medical conditions. Also Plaintiff has on-going eczema that inflames when standing or bending or stopping for over 1 hour at a time which he takes on-going medication for which is in his medical files.

COUNT I

The following civil rights has been violated: Section 188 of the Workforce Investment Act of 1998 (WIA)

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Social Security Administration (SSA) is WELL AWARE
of each and every applicants work history background, social status,
income level status etc. At the time when Plaintiff Applied For SSI
benefits in 2012, plaintiff had been working approx 12-13 years of
work history. With a swollen hand, diabetic nerve pain, neurologist reports, ketscans
analyzer. All the evidence at the time the decision was made supported
Plaintiff was "qualified" applicant to receive benefits. However,
(SSA) had other plans in mind. Plaintiff was denied benefits in 2012
with (SSA) having knowledge of swelling hand and extreme diabetic nerve
pain, knowledge of Applicant participating in One-Stop Systems in the
past like TAN, EBT, unemployment insurance, Title-I assisted programs.
With no real assessment or regard for conditions of a local citizen,
access to benefits were denied, overlooking Plaintiffs "qualifying status"
pre-existing condition.

COUNT II

The following civil rights has been violated: Title II of the Americans Disabilities Act (ADA)

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

(SSA) Social Security Administration's blatant disregard to acknowledge Plaintiff Mr. Madden's pre-existing condition of type 2 diabetes and extreme diabetic nerve pain & swelling, violates statute Title II Americans with Disabilities Act (ADA) which "prohibits state and local governments from discriminating against "qualified" individuals with disabilities in program, activities, and services. The fact that SSA will not Acknowledge the Medical Records in which determined Plaintiff's diagnosis is unacceptable and malicious. Refusing to provide information about their determination of the on-set date, which was request by Karen in Carson City to complete Mr. application is malicious and shows levels of incompetence and resistiveness. (SSA) is well aware that if the information that was asked to be provided is not provided in a timely manner, it most likely would have a negative effect on Plaintiff's case. Doctors in Atlanta, California, and Las Vegas, NV were all seen about Plaintiff's pre-existing condition, where medicine was prescribed, and treatment performed, however (SSA) Social Security Admin only wants to accept medical records from Las Vegas, NV which is unethical and discriminatory.

COUNT III

The following civil rights has been violated: The Age Discrimination Act
of 1975. 29 USC § 6101

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

The Majority of people to receive SSI and SSDI tend to be over 40-65 years of age. It's a known fact, that (SSA) Social Security Administration deny younger applicants almost instantaneously. It's unfortunate that people who are not licensed to assess a persons well being such as a Case Worker, or a Desk Clerk ~~are~~ are giving this right to do so on a regular basis when they conduct their interviews at the Social Security office. Unfortunately, ~~Plaintiff~~ looks younger, and may not appear to have signs of the levels of inflammation in the hand, and key of a much older Applicant but its true and real. When requested information was combatted by hostile and smart remarks by the Desk Clerks in the Simmons location, instead of quick appropriate responses to the answer of ~~Plaintiff's~~ correct on-set date to complete Application for ~~Plaintiff~~, this was discrimination based on Age. Plaintiff believes, if they were dealing with a ~~much~~ much older applicant say 55 years old instead of 36 years old, the applicant (Plaintiff) would have gotten a more appropriate response.

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? ☐ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

outline).

- a) Defendants: _____
- b) Name of court and docket number: _____
- c) Disposition (for example, was the case dismissed , appealed or is it still pending?):

- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?**
___ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____

- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ____ Yes ____ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) ____ disciplinary hearing; (2) ____ state or federal court decision; (3) ____ state or federal law or regulation; (4) ____ parole board decision; or (5) ____ other ____.
- If your answer is "Yes", provide the following information. Grievance Number ____.
- Date and institution where grievance was filed ____.

Response to grievance: _____

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Marcus A. Madhen
(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)

M. Madhen
(Signature of Plaintiff)

1/23/18
(Date)

(Additional space if needed; identify what is being continued)
